

Why You Should Not Vote for McCain/Palin

In the 2008 Vice Presidential Debate Sarah Palin said:

“I’m thankful the Constitution would allow a bit more authority given to the vice president if that vice president so chose to exert it in working with the Senate and making sure that we are supportive of the president’s policies and making sure too that our president understands what our strengths are.”

That statement alone disqualifies her, and McCain, for possession of the Executive Branch. Palin’s claim betrays that the unconstitutional [Unitary Executive Theory](#) in a McCain/Palin administration will be applied to the Office of the Vice President thereby extending executive branch authority over the Legislative and Judicial branches in a manner nullifying checks and balances. Cheney has already set this tactic in motion [when he claimed](#) that the Vice President is [not part of the Executive Branch](#) as [set forth by the Constitution](#).

The next President, whomever it is, will inherit those unconstitutional executive powers. The political theorists (such as John Yoo) responsible for the legally dubious claims of the Unitary Executive Theory assert that the President possesses all executive power of subordinates within the Executive Branch which the Constitution does not specify as requiring congressional confirmation. Consequentially, Congress’ oversight of the Iraq war, for example, is severely limited. Only the President, as Commander in Chief, may determine how a war is conducted and when it will end. Congress alone can declare war but lacks any oversight regarding a war's management. Maintaining that military force, like presidential pardons and vetoes, is unreviewable by Congress. Vetoes, technically speaking, are unreviewable by Congress; however, they may be overridden. Furthermore, Presidential signing statements, according to the Unitary Executive Theory, are also unreviewable and cannot be overridden by Congress. (Bush has [unconstitutionally extended executive powers](#) during his entire term. Bush has issued over 800 signing statements, more than all prior Presidents combined.)

Palin's claim is un-Democratic. In a Democracy, the State receives its sovereignty from the will of the governed. The Constitution stipulates that the law must promote the general welfare. "There is often a great deal of difference between the will of all and the general will. The latter looks only to the common interest; the former considers private interest and is only a sum of private wills" ([Jean-Jacques Rousseau](#)). In short, the Constitution does *not* endorse majoritarianism—the view that the State promotes what a majority of citizen's want, or what is to the benefit of a majority aggregate. The function of the State is to ensure and protect equal opportunity for all irrespective of the desires or well-being of a majority. (For example, slavery and segregation are unconstitutional because they nullify equal opportunity for specified groups; it matters not whether the majority endorses slavery or segregation. If majoritarianism were valid, then slavery and segregation could not legally end until the majority believed they should.)

Palin's claim is not consistent with Democratic ideals; it is consistent with Monarchism. Under Monarchism, laws are derived from the will of the monarch. The monarch is not subject to the laws unless the monarch wills him/herself to be so subject. The State derives its authority from the consent of the governed and its function is to promote the common good. "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, *promote the general Welfare*, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." The function of Congress is *not* to promote the will of the Executive branch—"it in working with the Senate and making sure that we are supportive of the president's policies"—as the [Executive alone understands the law](#).

Why No Libertarian is Fit for Public Office

Libertarianism was founded by [Robert Nozick](#) was a critique of [John Locke's](#) political theory. Under Locke's view:

Political power is the power that every man in the state of nature possesses but which is given over to the society that they form: i.e., to the government set up to create an established and known set of laws, to arbitrate in disputes, and to preserve the life and property of its members. Locke's vision is thusly of a minimal state whose justification can only be that of consent (§176). The state must not possess arbitrary, absolute powers over the lives and property of the civilians, yet its mandate must seek the public good and be democratic (i.e., majority rule). (Taken from the embedded IEP link for John Locke)

Note that the Framers reject Locke's notion of majority rule; the Federalists John Jay, James Madison, and Alexander Hamilton writing as Publius authored *The Federalists Papers*, a series of letters written to the Electorate in attempts to sway them to adopt the Constitution over the Articles of Confederacy. In *The Federalists Papers*, Publius demonstrates that Extensive republics "suffer from the diseases" of despotism, to borrow the their terminology. Large republics tend to be wealthy and populous which fosters envy in their neighbors which in turn nurtures a despotic and warlike state in the republic. To preserve democratic rule, the citizenry must be patriotic, vigilant, and above all informed. However, the complexity of public affairs undermines these necessities.

Representative governments become infected by the representatives subverting the will of the people; popular majorities ruling oppressively; and the majorities, through compliant representatives, failing to protect the common good. The federalists wrote "neither moral nor religious motives can be relied on" as a check and balance against oppressive majorities. The federalists argued that judicial review and judicial discretion in adjudicating individual cases gives constitutional means to void oppressive legislative and executive authority. Hence, the federalists argued for what the Neocon faction of the GOP call "activist judges".

Central to Locke's political theory is the notion of property. For Locke, to be free means to be "self-owned". The owning of property is central to being free. By owning property one acquires the necessary means for being "self-owned". Locke's notions are an integral part of the Homestead Act enacted after the Civil War. Under the Homestead Act freed slaves could freely acquire, though not immediately own, unused public land if they were able to provide a good public use for the land, such as a viable farm. After demonstrating a land improvement for public good use the government would issue a deed of ownership. Freed slaves were then self-owned; since agriculture was their main vocational experience they were faced with sharecropping for a former slave owner (not "self-ownership"), finding a new vocation, or homesteading. For Locke, "owning land" means mixing one's labor with the land. (Strictly speaking, the slaves owned the plantations inasmuch as if not more than the plantation owners.)

Nozick also describes individual human beings as *self-owners*—that individuals own themselves - their bodies, talents and abilities, labor, and by extension the fruits or products of their exercise of their talents, abilities and labor. He agrees with Locke that the State derives its authority from the consent of the governed. Nozick concludes that the State can do no more than provide a court system for mediating disputes between individuals, provide a police for protecting individuals from one another, provide a military for protecting the State (which is equivalent to the People) from outside threats, a law-making body that can do no more than in effect protect ownership rights between individuals or groups of individuals.

Under Nozick's view, welfare and taxation are immoral/illegal. Taxation, where it does not fund the police and military, is an act of the government taking the fruits of one's labor (income taxes for example) and is thus illegitimate. Welfare is the redistribution of the fruits of one person's labor and transferring those fruits to another person. The State cannot provide public education as that would interfere with what a self-owned person

decides s/he wants to learn. (This claim is embedded in the “Teach the Controversy” movement. “We, the majority, believe in the Christian God so we can require that Creationism be taught in public schools” is an appeal to both majoritarianism and Libertarianism. Palin supports “teaching the controversy”.)

Contemporary Libertarianism’s application of Nozick’s ideas ignores one key ingredient —“no man is an island unto himself”. A closed economic system will always be characterized by inequality. Inequality-in-possession is not in-and-of-itself wrong; rather, inequality-in-opportunity or inequality in the *capacity* to pursue well-being is illegitimate (where this is not due to birth defects such as Down’s Syndrome, for example). For example, education is key for promoting well-being. People with more and better quality educations tend to be wealthier. Likewise, people who own more property tend to be more “self-owned”; however, the real estate available for ownership is also a closed system. The more land one person owns and thereby is more self-owned, the less land another person may own and thereby be less self-owned. Therefore an unregulated market of property ownership characterized by inequality-in-possession (such as monopolies, monopsonies, and oligopsonies) entails inequality-in-opportunity. Unregulated free markets as endorsed by Libertarianism entails inequality-in-opportunity and reduced “self-ownership” or freedom. The State then in the interest of preserving equality-in-opportunity may justifiably regulate the market. As Benjamin Franklin said, “The Constitution only gives people the right to pursue happiness. You have to catch it yourself.” Any politician committed to Libertarianism will not preserve equality-in-opportunity.